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1987/12/08

REF ID: A652074

REVIEWED: EqKanda 10/27/85

INITIALS: SL

EXCLUDED BY LAW: (b)(1)(A)(S)

CLASSIFICATION: CONFIDENTIAL

POLICY: CONFIDENTIAL

DOCENT: U.S.-PRC Nuclear Agreement

CONFIDENTIAL/UNCLASSIFIED

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- On December 30, 1985, the U.S. and the People's Republic of China exchanged diplomatic notes in Beijing bringing into force the U.S.-PRC agreement for nuclear cooperation. (b)(1)(A)(S) R
- This action was taken following the completion of the required ninety day Congressional review period and the passage of a Joint Resolution approving the agreement, which the President signed into law on December 16, 1985.
- The Joint Resolution approving the agreement requires the President to make a one-time certification and submit a one-time report to Congress before exports to China under the agreement may begin.
- The matters that must be certified are:
- "(A) that the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities or components provided under the agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement;
- (B) that the Government of the People's Republic of China has provided additional information concerning its nuclear non-proliferation policies and that, based on this and all other information available to the United States Government, People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act of 1954; and
- (C) that the obligation to consider favorably a request to carry out certain activities described in Article 5 (2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request"
- The report to Congress, in both unclassified and classified form, is to provide an updated assessment of China's non-proliferation policies and practices.
- Reaching agreement with PRC on the arrangements for exchange of information and visits has been the pacing factor in our ability to satisfy the requirements of the Joint Resolution.

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- On June 23 we reached agreement with the PRC on arrangements that both satisfy the requirements of Article 8 (2) of the agreement and meet the standards of the Joint Resolution.
- We are in the process of preparing the documentation necessary to satisfy all requirements of the Joint Resolution.
- We hope to be in a position in the near future to forward the documentation to the President for his approval and transmittal to Congress.
- The required certification must lie before Congress for thirty days of continuous session before exports may be licensed pursuant to the agreement.

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